



**City Of Scottsdale  
JUDICIAL APPOINTMENTS ADVISORY BOARD  
Meeting Notice and Agenda**

**MARKED AGENDA**

**6:00 p.m., Thursday, January 27, 2011  
Human Resources Pinnacle Training Room  
7575 E. Main Street**

**CALL TO ORDER—6:04 P.M.**

**ROLL CALL**

Paul Rybarsyk, Vice-Chairperson; Donald Alvarez; Dr. Ira Ehrlich; Judge Jean Hoag; Judge John Rea; Francis Scanlon; Kenneth Weingarten.

**PRESENT: Paul Rybarsyk, Vice-Chairperson, Donald Alvarez, Dr. Ira Ehrlich, Kenneth Weingarten**

**ABSENT: Judge Jean Hoag, Judge John Rea, Francis Scanlon**

**1. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED ON AUGUST 18, 2010**

*Action: Formal motion and vote to approve the minutes of the public meeting held on August 18, 2010.*

**Approved 4-0; Board Member Ehrlich moved to approve the August 18, 2010 meeting minutes as amended, seconded by Board Member Weingarten.**

**2. ACKNOWLEDGEMENT OF NEW JUDICIAL APPOINTMENTS ADVISORY BOARD MEMBERS**

Staff will acknowledge the appointments of board members Donald Alvarez, Dr. Ira Ehrlich and Kenneth Weingarten, each to a three-year term.

*Action: For information and discussion only.*

**3. ACKNOWLEDGEMENT OF OUTGOING BOARD MEMBERS**

Staff will acknowledge outgoing board members Gordon Griller, Christopher Lonn and Daniel Schmidt for their six (6) years of service on the Judicial Appointments Advisory Board.

*Action: For information and discussion only.*

**4. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON**

Board members will nominate and vote upon a Chairperson and Vice-Chairperson, each of whom will serve a one-year term.

Action: Nominations and vote.

**Approved 4-0; Board Member Alvarez moved to approve the nomination of Vice-Chairperson Rybarsyk as Chairperson of the Judicial Appointments Advisory Board, seconded by Board Member Ehrlich.**

**Approved 4-0; Board Member Weingarten moved to approve the nomination of Board Member Alvarez as Vice-Chairperson of the Judicial Appointments Advisory Board, seconded by Board Member Ehrlich.**

## **5. ETHICS TRAINING**

The City of Scottsdale Ethics Program and Code of Ethical Behavior (adopted by the City Council on May 2, 2006) requires all Public Officials be provided with annual ethics training. The City Attorney's Office will provide an annual ethics training workshop to the Judicial Appointments Advisory Board and will be available to answer any questions.

## **6. APPROVAL OF 2010 JAAB ANNUAL REPORT**

Staff will present an annual report of Board activities for calendar year 2010 for review, approval and submission to the City Council.

*Action: Formal motion and vote to approve the 2010 annual JAAB report.*

**Approved 4-0; Board Member Weingarten moved to approve the 2010 Judicial Appointments Advisory Board Annual Report as presented, seconded by Board Member Ehrlich.**

## **7. DISCUSSION OF TIMELINES FOR UPCOMING JUDICIAL REAPPOINTMENTS**

Staff will discuss the potential timelines for the next three judicial reappointments.

*Action: For information, discussion, and vote and/or possible direction to staff.*

**Approved 4-0; Board Member Ehrlich moved to approve the timeline for upcoming judicial reappointment of Judge Orest Jejna as presented, seconded by Board Member Alvarez.**

**Approved 4-0; Board Member Weingarten moved to approve the timeline for upcoming judicial reappointment of Judge James Blake as presented, seconded by Board Member Ehrlich.**

**Approved 4-0; Board Member Alvarez moved to approve the timeline for upcoming judicial reappointment of Judge Joseph Olcavage as presented, seconded by Board Member Weingarten.**

## **8. DISCUSSION OF TIMELINE FOR PRESIDING JUDGE RECRUITMENT**

Staff will discuss the timeline for the recruitment of a replacement for Presiding Judge B. Monte Morgan.

*Action: For information, discussion, and vote and/or possible direction to staff.*

**Approved 4-0; Board Weingarten moved to approve the timeline for upcoming judicial reappointment of Presiding Judge B. Monte Morgan as presented, seconded by Board Member Alvarez.**

**9. DISCUSSION OF INITIATIVES RECOMMENDED BY THE JAAB FOR IMPROVEMENTS TO THE JUDICIAL REAPPOINTMENT PROCESS AND DISCUSSION OF NEXT STEPS**

The JAAB will discuss the initiatives for changes to the processes and procedures used in considering City judges for reappointment, and other actions approved by the Board at the public meeting held on August 18, 2010, and consider the next steps in implementing the actions and making reappointment recommendations to the City Council.\*

**\* Marked agendas for the JAAB meeting held on August 18, 2010, and the JAAB Subcommittee meeting held on May 6, 2010, are attached for use as references for this agenda item.**

*Action: For information, discussion, and vote and/or possible direction to staff.*

**10. FUTURE AGENDA ITEMS\*\***

*Action: Possible direction to staff relating to placing items on future agenda(s).*

**ADJOURNMENT—8:10 P.M.**

\*Note: The Board cannot discuss or vote on items not on the posted agenda, including items brought up as Board, staff or public comments, if any. If action by the Board is needed, the item should be placed on a future agenda in compliance with the Arizona Open Meetings Law.



**City Of Scottsdale  
JOINT MEETING  
JUDICIAL APPOINTMENTS ADVISORY BOARD  
JUDICIAL APPOINTMENTS ADVISORY BOARD SUBCOMMITTEE  
Notice and Agenda**

**MARKED AGENDA**

**6:00 PM, Wednesday, August 18, 2010  
Human Resources Pinnacle Room  
7575 E. Main Street**

**CALL TO ORDER / ROLL CALL—6:02 P.M.**

Gordon Griller, Chairperson; Judge Jean Hoag; Christopher Lonn; Judge John Rea; Paul Rybarsyk; Francis Scanlon; Daniel Schmidt.

**PRESENT: Gordon Griller, Chairperson; Paul Rybarsyk, Francis Scanlon, and Daniel Schmidt**

**ABSENT: Judge Jean Hoag, Christopher Lonn, and Judge John Rea**

**2. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED ON APRIL 14, 2010**

*Action: Formal motion and vote to approve the minutes of the public meeting held on April 14, 2010.*

**Approved 4-0; Board Member Scanlon moved to approve the April 14, 2010 public meeting minutes, seconded by Board Member Schmidt. Board Members Hoag, Lonn, and Rea were absent.**

**3. APPROVAL OF MINUTES OF SUBCOMMITTEE PUBLIC MEETING CONDUCTED ON MAY 6, 2010**

*Action: Formal motion and vote, by members of the subcommittee, to approve the minutes of the public meeting held on May 6, 2010.*

**Approved 2-0; Board Member Scanlon moved to approve the May 6, 2010 Subcommittee Meeting Minutes, seconded by Chairperson Griller. Board Member Hoag was absent. (Subcommittee has only 3 members.)**

4. **APPROVAL OF EXECUTIVE SESSION MINUTES OF PUBLIC MEETING CONDUCTED ON JANUARY 28, 2010**

*Action: Formal motion and vote to approve the executive session minutes of the public meeting held on January 28, 2010.*

**Approved 4-0; Board Member Schmidt moved to approve the January 28, 2010 executive session meeting minutes, seconded by Board Member Scanlon. Board Members Hoag, Lonn, and Rea were absent.**

5. **MOTION TO RECESS INTO EXECUTIVE SESSION**

The Board will consider a motion to adjourn to executive session, if necessary, for the purpose of discussing confidential records and other items on the Executive Session Notice and Agenda for August 18, 2010.

**RECONVENE PUBLIC MEETING FOLLOWING EXECUTIVE SESSION, OR CONTINUE PUBLIC MEETING, AS APPLICABLE**

6. **PUBLIC COMMENT**

Citizens may address the members of the Judicial Appoints Advisory Board during Public Comment. If you wish to address the Board, please complete a Comment Card and submit it to a staff member. Arizona State law prohibits the Board from discussing or taking action on an item that is not on the prepared agenda. In addition, the Board may invite comments from members of the public on any agenda item.

6. **DISCUSSION OF INITIATIVES RECOMMENDED BY THE JAAB SUBCOMMITTEE TO THE BOARD, FOR IMPROVEMENTS TO THE JUDICIAL REAPPOINTMENT PROCESS AND DISCUSSION OF OTHER POSSIBLE IMPROVEMENTS.**

The JAAB will consider the processes and procedures presently used in considering City judges for reappointment and recommendations to the City Council, and consider initiatives for possible changes to those processes and procedures. ***A marked agenda for the May 6<sup>th</sup> meeting of the subcommittee is attached.***

*Action: For information, discussion, and vote and/or possible direction to staff.*

**Approved 4-0; Board Member Rybarsyk moved to approve the May 6, 2010 subcommittee recommendation 1.A replacing "Chapter 2, Division 13" with "Chapter 9 of the City Code", seconded by Board Member Scanlon. Board Members Hoag, Lonn, and Rea were absent.**

**Approved 4-0; Board Member Scanlon moved to approve the May 6, 2010 subcommittee recommendation 1.B as presented, seconded by Board Member Schmidt. Board Members Hoag, Lonn, and Rea were absent.**

**Approved 4-0; Board Member Rybarsyk moved to approve the May 6, 2010 subcommittee recommendation 1.C as presented, seconded by Board Member Scanlon. Board Members Hoag, Lonn, and Rea were absent.**

Approved 4-0; Board Member Schmidt moved to approve the May 6, 2010 subcommittee recommendation 1.D, adding at the end “this Board strongly endorses an electronic survey of city prosecutors, judges and court staff”, seconded by Board Member Scanlon. Board Members Hoag, Lonn, and Rea were absent.

Approved 4-0; Board Member Schmidt moved to approve the May 6, 2010 subcommittee recommendation 1.E as presented, seconded by Board Member Rybarsyk. Board Members Hoag, Lonn, and Rea were absent.

Failed 2-2; Board Member Scanlon moved to approve the May 6, 2010 subcommittee recommendation 1.F as presented, seconded by Board Member Schmidt. Board Members Rybarsyk and Scanlon voted against. Board Members Hoag, Lonn, and Rea were absent.

Approved 4-0; Board Member Rybarsyk moved to approve the May 6, 2010 subcommittee recommendation 1.G as presented, seconded by Board Member Schmidt. Board Members Hoag, Lonn, and Rea were absent.

Approved 4-0; Board Member Scanlon moved to approve the May 6, 2010 subcommittee recommendation 1.H as presented, seconded by Board Member Schmidt. Board Members Hoag, Lonn, and Rea were absent.

Approved 4-0; Board Member Rybarsyk moved to approve the May 6, 2010 subcommittee recommendation 1.I as presented, seconded by Board Member Scanlon. Board Members Hoag, Lonn, and Rea were absent.

Approved 4-0; Board Member Rybarsyk moved to approve the May 6, 2010 subcommittee recommendation 1.J as presented, seconded by Board Member Schmidt. Board Members Hoag, Lonn, and Rea were absent.

Approved 4-0; Board Member Scanlon moved to approve the May 6, 2010 subcommittee recommendation 1.K as presented, seconded by Board Member Schmidt. Board Members Hoag, Lonn, and Rea were absent.

## 7. **FUTURE AGENDA ITEMS\***

The Board will discuss possible issues and matters to be placed on a future meeting agenda(s).

*Action: Possible direction to staff relating to placing items on future agenda(s).*

## **ADJOURNMENT—8:04 P.M.**

**\*Note:** The Board cannot discuss items not on the posted agenda, including items brought up as Board, staff or public comments, if any. If action by the Board is needed, the item should be placed on a future agenda in compliance with the Arizona Open Meetings Law.



**City Of Scottsdale  
JUDICIAL APPOINTMENTS ADVISORY BOARD SUBCOMMITTEE  
Meeting  
Notice and Agenda**

**MARKED AGENDA**

**5:30 PM, Thursday, May 6, 2010  
Human Resources Verde Room  
7575 E. Main Street**

**CALL TO ORDER - 5:55 P.M.**

**ROLL CALL**

Gordon Griller, Chairperson; Judge Jean Hoag; Francis Scanlon.

**PRESENT: Gordon Griller, Judge Jean Hoag, Francis Scanlon**

**1. DISCUSSION OF INITIATIVES TO RECOMMEND TO THE FULL JUDICIAL APPOINTMENTS  
ADVISORY BOARD (JAAB) FOR IMPROVEMENTS TO THE JUDICIAL REAPPOINTMENT  
PROCESS.**

The JAAB Subcommittee will consider the processes and procedures presently used in considering City judges for reappointment and recommendations to the City Council, and consider initiatives for recommendation to the full JAAB for possible changes to those processes and procedures.

*Action: For information, discussion, and possible action by the subcommittee and/or direction to staff.*

**The JAAB subcommittee took the following actions regarding initiatives to recommend to the full JAAB for consideration:**

- A) Recommend an amendment to the City Ordinance which creates and outlines the duties and responsibilities of JAAB (Chapter 2, Division 13) to clearly recognize the City Court as part of an integrated Arizona Judicial Branch as well as being part of City Government.**

**APPROVED: 3-0; motion by Board Member Scanlon; 2<sup>nd</sup> Board Member Hoag**

- B) It shall be the policy of the JAAB that one or more Board members, as designated by the JAAB Chairperson, shall personally meet with the Mayor and each City Councilmember following any formal recommendations by the Board to appoint, evaluate, retain or not retain a judge of the City Court to convey the decisions of the Board and answer any questions.**

**APPROVED: 3-0; motion by Board Member Hoag; 2<sup>nd</sup> Board Member Scanlon**



- C) Recommend that the JAAB explore a self-assessment tool and an evaluation committee for mentorship purposes for inclusion as parts of the judicial reappointment process.  
**APPROVED: 3-0; motion by Board Member Hoag; 2nd Board Member Scanlon**
- D) Recommend that the JAAB explore using online surveys when appropriate as a possible way to improve survey return rates.  
**APPROVED: 3-0; motion by Board Member Scanlon; 2nd Board Member Hoag**
- E) Recommend that the JAAB include in its walk around meetings with City Council, as a talking point, the merits and cautions of using certain performance measures (i.e. appeal rates and change of judge notices) in the judicial reappointment process.  
**APPROVED: 3-0; motion by Board Member Hoag; 2nd Board Member Scanlon**
- F) Recommend that the JAAB formally petition the Chief Justice of the Arizona Supreme Court to create a model city ordinance for citizen judicial performance oversight boards embracing and clarifying the importance of city courts as part of the Arizona Judicial Branch in addition to operating as a component of city government.  
**APPROVED: 3-0; motion by Board Member Hoag; 2nd Board Member Scanlon**
- G) Explore collaborating with other city court judicial performance review groups in the Valley to discuss issues of mutual concern toward improvement of their respective responsibilities and duties.  
**APPROVED: 3-0; motion by Board Member Hoag; 2nd Board Member Scanlon**
- H) Recommend that the JAAB include in its walk around meetings with City Council, as a talking point, its continued support for 2/2/4 year terms for Associate City Judges.  
**APPROVED: 3-0; motion by Board Member Scanlon; 2nd Board Member Hoag**
- I) Recommend that the JAAB consider advocating, in concert with the Administrative Office of the Arizona Courts, the AZ League of Towns and Cities, and the Superior Court presiding Judges of each county, a visitation program for all newly elected city officials in Arizona about the role and function of city courts and possibly the development of a pamphlet or brochure for the same purpose.  
**APPROVED: 3-0; motion by Board Member Hoag; 2nd Board Member Scanlon**
- J) Recommend that the JAAB issue a standing invitation to the Presiding Judge to attend each public meeting, start to end, when Associate City Judges are being considered for retention.  
**APPROVED: 3-0; motion by Board Member Hoag; 2nd Board Member Scanlon**
- K) Recommend that the JAAB formally petition the Chief Justice of the AZ Supreme Court to update and clarify Administrative Order No. 2005-32, Presiding Judges Authority relating to Municipal Courts.  
**APPROVED: 3-0; motion by Board Member Scanlon; 2nd Board Member Hoag**

**ADJOURNMENT – APPROXIMATELY 7:30 P.M.**

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